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THE RIGHT OF THE PEOPLE TO RULE



ADDRESS

BY

HON. THEODORE ROOSEVELT

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THE RIGHT OF THE PEOPLE TO RULE.

By THEODORE ROOSEVELT.

{An address at Carnegie Hall, New York City, under the auspices of the Civic Forum, Wednesday evening, Mar. 20, 1912.]

The great fundamental issue now before the Republican Party and before our people can be stated briefly. It is, Are the American people fit to govern themselves, to rule themselves, to control themselves? I believe they are. My opponents do not. I believe in the right of the people to rule. I believe that the majority of the plain people of the United States will, day in and day out, make fewer mistakes in governing themselves than any smaller class or body of men, no matter what their training, will make in trying to govern them. I believe, again, that the American people are, as a whole, capable of self-control and of learning by their mistakes. Our opponents pay lip loyalty to this doctrine; but they show their real beliefs by the way in which they champion every device to make the nominal rule of the people a sham.

I have scant patience with this talk of the tyranny of the majority. Whenever there is tyranny of the majority, I shall protest against it with all my heart and soul. But we are to-day suffering from the tyranny of minorities. It is a small minority that is grabbing our coal deposits, our water powers, and our harbor fronts. A small minority is fattening on the sale of adulterated foods and drugs. It is a small minority that lies behind monopolies and trusts. It is a small minority that stands behind the present law of master and servant, the sweatshops, and the whole calendar of social and industrial injustice. It is a small minority that is to-day using our convention system to defeat the will of a majority of the people in the choice of delegates to the Chicago convention. The only tyrannies from which men, women, and children are suffering in real life are the tyrannies of minorities.

If the majority of the American people were in fact tyrannous over the minority, if democracy had no greater self-control than empire, then indeed no written words which our forefathers put into the Constitution could stay that tyranny.

No sane man who has been familiar with the government of this country for the last 20 years will complain that we have had too much of the rule of the majority. The trouble has been a far different one—that, at many times and in many localities, there have held public office in the States and in the Nation men who have, in fact, served not the whole people, but some special class or special interest. I am not thinking only of those special interests which by grosser methods, by bribery and crime, have stolen from the people. I am

thinking as much of their respectable allies and figureheads, who have ruled and legislated and decided as if in some way the vested rights of privilege had a first mortgage on the whole United States, while the rights of all the people were merely an unsecured debt. Am I overstating the case? Have our political leaders always or generally recognized their duty to the people as anything more than a duty to disperse the mob, see that the ashes are taken away, and distribute patronage? Have our leaders always or generally worked for the benefit of human beings, to increase the prosperity of all the people, to give to each some opportunity of living decently and bringing up his children well? The questions need no answer.

Now there has sprung up a feeling deep in the hearts of the people—not of the bosses and professional politicians, not of the beneficiaries of special privilege—a prevading belief of thinking men that when the majority of the people do in fact, as well as theory, rule, then the servants of the people will come more quickly to answer and obey, not the commands of the special interests, but those of the whole people. To reach toward that end the Progressives of the Republican Party in certain States have formulated certain proposals for change in the form of the State government—certain new “checks and balances” which may check and balance the special interests and their allies. That is their purpose. Now turn for a moment to their proposed methods.

First, there are the “initiative and referendum,” which are so framed that if the legislatures obey the command of some special interest, and obstinately refuse the will of the majority, the majority may step in and legislate directly. No man would say that it was best to conduct all legislation by direct vote of the people—it would mean the loss of deliberation, of patient consideration—but, on the other hand, no one whose mental arteries have not long since hardened can doubt that the proposed changes are needed when the legislatures refuse to carry out the will of the people. The proposal is a method to reach an undeniable evil. Then there is the recall of public officers—the principle that an officer chosen by the people who is unfaithful may be recalled by vote of the majority before he finishes his term. I will speak of the recall of judges in a moment—leave that aside—but as to the other officers I have heard no argument advanced against the proposition, save that it will make the public officer timid and always currying favor with the mob. That argument means that you can fool all the people all the time, and is an avowal of disbelief in democracy. If it be true—and I believe it is not—it is less important than to stop those public officers from currying favor with the interests. Certain States may need the recall, others may not; where the term of elective office is short it may be quite needless; but there are occasions when it meets a real evil, and provides a needed check and balance against the special interests.

Then there is the direct primary—the real one, not the New York one—and that, too, the Progressives offer as a check on the special interests. Most clearly of all does it seem to me that this change is wholly good—for every State. The system of party government is not written in our constitutions, but it is none the less a vital and essential part of our form of government. In that system the party leaders should serve and carry out the will of their own party. There is no need to show how far that theory is from the facts, or to rehearse

the vulgar thieving partnerships of the corporations and the bosses, or to show how many times the real government lies in the hands of the boss, protected from the commands and the revenge of the voters by his puppets in office and the power of patronage. We need not be told how he is thus intrenched nor how hard he is to overthrow. The facts stand out in the history of nearly every State in the Union. They are blots on our political system. The direct primary will give the voters a method, ever ready to use, by which the party leader shall be made to obey their command. The direct primary, if accompanied by a stringent corrupt-practices act, will help break up the corrupt partnership of corporations and politicians.

My opponents charge that two things in my program are wrong because they intrude into the sanctuary of the judiciary. The first is the recall of judges, and the second, the review by the people of judicial decisions on certain constitutional questions. I have said again and again that I do not advocate the recall of judges in all States and in all communities. In my own State I do not advocate it or believe it to be needed, for in this State our trouble lies not with corruption on the bench, but with the effort by the honest but wrong-headed judges to thwart the people in their struggle for social justice and fair dealing. The integrity of our judges from Marshall to White and Homes—and to Cullen and many others in our own State—is a fine page of American history. But—I say it soberly—democracy has a right to approach the sanctuary of the courts when a special interest has corruptly found sanctuary there; and this is exactly what has happened in some of the States where the recall of the judges is a living issue. I would far more willingly trust the whole people to judge such a case than some special tribunal—perhaps appointed by the same power that chose the judge—if that tribunal is not itself really responsible to the people and is hampered and clogged by the technicalities of impeachment proceedings.

I have stated that the courts of the several States—not always but often—have construed the “due-process” clause of the State constitutions as if it prohibited the whole people of the State from adopting methods of regulating the use of property so that human life, particularly the lives of the workingmen, shall be safer, freer, and happier. No one can successfully impeach this statement. I have insisted that the true construction of “due process” is that pronounced by Justice Holmes in delivering the unanimous opinion of the Supreme Court of the United States, when he said:

The police power extends to all the great public needs. It may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare.

I insist that the decision of the New York Court of Appeals in the Ives case, which set aside the will of the majority of the people as to the compensation of injured workmen in dangerous trades, was intolerable and based on a wrong political philosophy. I urge that in such cases where the courts construe the due-process clause as if property rights, to the exclusion of human rights, had a first mortgage on the Constitution, the people may, after sober deliberation, vote, and finally determine whether the law which the court set aside shall be valid or not. By this method can be clearly and finally ascertained the preponderant opinion of the people which Justice

Holmes makes the test of due process in the case of laws enacted in the exercise of the police power. The ordinary methods now in vogue of amending the Constitution have in actual practice proved wholly inadequate to secure justice in such cases with reasonable speed, and cause intolerable delay and injustice, and those who stand against the changes I propose are champions of wrong and injustice, and of tyranny by the wealthy and the strong over the weak and the helpless.

So that no man may misunderstand me, let me recapitulate:

1. I am not proposing anything in connection with the Supreme Court of the United States, or with the Federal Constitution.

2. I am not proposing anything having any connection with ordinary suits, civil or criminal, as between individuals.

3. I am not speaking of the recall of judges.

4. I am proposing merely that in a certain class of cases involving the police power, when a State court has set aside as unconstitutional a law passed by the legislature for the general welfare, the question of the validity of the law—which should depend, as Justice Holmes so well phrases it, upon the prevailing morality or preponderant opinion—be submitted for final determination to a vote of the people, taken after due time for consideration. And I contend that the people, in the nature of things, must be better judges of what is the preponderant opinion than the courts, and that the courts should not be allowed to reverse the political philosophy of the people. My point is well illustrated by a recent decision of the Supreme Court, holding that the court would not take jurisdiction of a case involving the constitutionality of the initiative and referendum laws of Oregon. The ground of the decision was that such a question was not judicial in its nature, but should be left for determination to the other coordinate departments of the Government. Is it not equally plain that the question whether a given social policy is for the public good is not of a judicial nature, but should be settled by the legislature or, in the final instance, by the people themselves?

The President of the United States, Mr. Taft, devoted most of a recent speech to criticism of this proposition. He says that it "is utterly without merit or utility, and, instead of being * * * in the interest of all the people, and of the stability of popular government, is sowing the seeds of confusion and tyranny." (By this he, of course, means the tyranny of the majority; that is, the tyranny of the American people as a whole.) He also says that my proposal (which, as he rightly sees, is merely a proposal to give the people a real instead of only a nominal chance to construe and amend a State constitution with reasonable rapidity) would make such amendment and interpretation "depend on the feverish, uncertain, and unstable determination of successive votes on different laws by temporary and changing majorities"; and that "it lays the ax at the foot of the tree of well-ordered freedom, and subjects the guaranties of life, liberty, and property without remedy to the fitful impulse of a temporary majority of an electorate."

This criticism is really less a criticism of my proposal than a criticism of all popular government. It is wholly unfounded, unless it is founded on the belief that the people are fundamentally untrustworthy. If the Supreme Court's definition of due process in relation to the police power is sound, then an act of the legislature to

promote the collective interests of the community must be valid, if it embodies a policy held by the prevailing morality or a preponderant opinion to be necessary to the public welfare. This is the question that I propose to submit to the people. How can the prevailing morality or a preponderant opinion be better and more exactly ascertained than by a vote of the people? The people must know better than the court what their own morality and their own opinion is. I ask that you, here, you and the others like you, you the people, be given the chance to state your own views of justice and public morality, and not sit meekly by and have your views announced for you by well-meaning adherents of outworn philosophies, who exalt the pedantry of formulas above the vital needs of human life.

The object I have in view could probably be accomplished by an amendment of the State constitutions taking away from the courts the power to review the legislature's determination of a policy of social justice, by defining due process of law in accordance with the views expressed by Justice Holmes for the Supreme Court. But my proposal seems to me more democratic and, I may add, less radical. For, under the method I suggest, the people may sustain the court as against the legislature, whereas, if due process were defined in the constitution, the decision of the legislature would be final.

Mr. Taft's position is the position that has been held from the beginning of our Government, although not always so openly held, by a large number of reputable and honorable men who, down at bottom, distrust popular government, and, when they must accept it, accept it with reluctance, and hedge it around with every species of restriction and check and balances, so as to make the power of the people as limited and as ineffective as possible. Mr. Taft fairly defines the issue when he says that our Government is and should be a government of all the people by a representative part of the people. This is an excellent and moderate description of an oligarchy. It defines our Government as a government of all of the people by a few of the people. Mr. Taft, in his able speech, has made what is probably the best possible presentation of the case for those who feel in this manner. Essentially this view differs only in its expression from the view nakedly set forth by one of his supporters, Congressman Campbell. Congressman Campbell, in a public speech in New Hampshire, in opposing the proposition to give the people real and effective control over all their servants, including the judges, stated that this was equivalent to allowing an appeal from the umpire to the bleachers. Doubtless Congressman Campbell was not himself aware of the cynical truthfulness with which he was putting the real attitude of those for whom he spoke. But it unquestionably is their real attitude. Mr. Campbell's conception of the part the American people should play in self-government is that they should sit on the bleachers and pay the price of admission, but should have nothing to say as to the contest which is waged in the arena by the professional politicians. Apparently Mr. Campbell ignores the fact that the American people are not mere onlookers at a game, that they have a vital stake in the contest, and that democracy means nothing unless they are able and willing to show that they are their own masters.

I am not speaking jokingly, nor do I mean to be unkind; for I repeat that many honorable and well-meaning men of high character take this view, and have taken it from the time of the formation of the Nation. Essentially this view is that the Constitution is a strait-jacket to be used for the control of an unduly patient—the people. Now I hold that this view is not only false but mischievous; that our constitutions are instruments designed to secure justice by securing the deliberate but effective expression of the popular will; that the checks and balances are valuable as far, and only so far, as they accomplish that deliberation, and that it is a warped and unworthy and improper construction of our form of government to see in it only a means of thwarting the popular will and of preventing justice. Mr. Taft says that "every class" should have a "voice" in the Government. That seems to me a very serious misconception of the American political situation. The real trouble with us is that some classes have had too much voice. One of the most important of all the lessons to be taught and to be learned is that a man should vote, not as a representative of a class, but merely as a good citizen, whose prime interests are the same as those of all other good citizens. The belief in different classes, each having a voice in the Government, has given rise to much of our present difficulty; for whosoever believes in these separate classes, each with a voice, inevitably, even though unconsciously, tends to work, not for the good of the whole people, but for the protection of some special class—usually that to which he himself belongs.

The same principle applies when Mr. Taft says that the judiciary ought not to be "representative" of the people in the sense that the legislature and the executive are. This is perfectly true of the judge when he is performing merely the ordinary functions of a judge in suits between man and man. It is not true of the judge engaged in interpreting, for instance, the due-process clause—where the judge is ascertaining the preponderant opinion of the people (as Judge Holmes states it). When he exercises that function he has no right to let his political philosophy reverse and thwart the will of the majority. In that function the judge must represent the people or he fails in the test the Supreme Court has laid down. Take the workmen's compensation act here in New York. The legislators gave us a law in the interest of humanity and decency and fair dealing. In so doing they represented the people, and represented them well. Several judges declared that law constitutional in our State, and several courts in other States declared similar laws constitutional, and the Supreme Court of the Nation declared a similar law affecting men in interstate business constitutional; but the highest court in the State of New York, the court of appeals, declared that we, the people of New York, could not have such a law. I hold that in this case the legislators and the judges alike occupied representative positions; the difference was merely that the former represented us well and the latter represented us ill. Remember that the legislators promised that law, and were returned by the people partly in consequence of such promise. The judgment of the people should not have been set aside unless it were irrational. Yet in the Ives case the New York Court of Appeals praised the policy of the law and the end it sought to obtain; and then declared that the people lacked power to do justice.

Mr. Taft again and again, in quotations I have given and elsewhere through his speech, expresses his disbelief in the people when they vote at the polls. In one sentence he says that the proposition gives "powerful effect to the momentary impulse of a majority of an electorate and prepares the way for the possible exercise of the grossest tyranny." Elsewhere he speaks of the "feverish uncertainty" and "unstable determination" of laws by "temporary and changing majorities"; and again he says that the system I propose "would result in suspension or application of constitutional guaranties according to popular whim," which would destroy "all possible consistency" in constitutional interpretation. I should much like to know the exact distinction that is to be made between what Mr. Taft calls "the fitful impulse of a temporary majority" when applied to a question such as that I raise and any other question. Remember that under my proposal to review a rule of decision by popular vote, amending or construing, to that extent, the Constitution, would certainly take at least two years from the time of the election of the legislature which passed the act. Now only four months elapse between the nomination and the election of a man as President to fill for four years the most important office in the land. In one of Mr. Taft's speeches he speaks of "the voice of the people as coming next to the voice of God." Apparently, then, the decision of the people about the Presidency, after four months' deliberation, is to be treated as "next to the voice of God"; but if after two years of sober thought they decide that women and children shall be protected in industry, or men protected from excessive hours of labor under unhygienic conditions, or wageworkers compensated when they lose life or limb in the service of others, then their decision forthwith becomes a "whim," and "feverish," and "unstable," and an exercise of "the grossest tyranny," and the "laying of the ax to the foot of the tree of freedom." It seems absurd to speak of a conclusion reached by the people after two years' deliberation, after thrashing the matter out before the legislature, after thrashing it out before the governor, after thrashing it out before the court and by the court, and then after full debate for four or six months, as "the fitful impulse of a temporary majority." If Mr. Taft's language correctly describes such action by the people, then he himself and all other Presidents have been elected by "the fitful impulse of a temporary majority": then the constitution of each State and the Constitution of the Nation have been adopted and all amendments thereto have been adopted by "the fitful impulse of a temporary majority." If he is right, it was "the fitful impulse of a temporary majority" which founded and another fitful impulse which perpetuated this Nation. Mr. Taft's position is perfectly clear. It is that we have in this country a special class of persons wiser than the people, who are above the people, who can not be reached by the people, but who govern them and ought to govern them, and who protect various classes of the people from the whole people.

That is the old, old doctrine which has been acted upon for thousands of years abroad; and which here in America has been acted upon, sometimes openly, sometimes secretly, for 40 years by many men in public and in private life, and, I am sorry to say, by many judges: a doctrine which has in fact tended to create a bulwark for privilege, a bulwark unjustly protecting special interests against the

rights of the people as a whole. This doctrine is to me a dreadful doctrine; for its effect is, and can only be, to make the courts the shield of privilege against popular rights. Naturally, every upholder and beneficiary of crooked privilege loudly applauds the doctrine. It is behind the shield of that doctrine that crooked clauses creep into laws, that men of wealth and power control legislation. The men of wealth who praise this doctrine, this theory, would do well to remember that to its adoption by the courts is due the distrust so many of our wageworkers now feel for the courts. I deny that that theory has worked so well that we should continue it. I most earnestly urge that the evils and abuses it has produced cry aloud for remedy; and the only remedy is in fact to restore the power to govern directly to the people, and to make the public servant directly responsible to the whole people—and to no part of them, to no “class” of them.

Mr. Taft is very much afraid of the tyranny of majorities. For 25 years here in New York State, in our efforts to get social and industrial justice, we have suffered from the tyranny of a small minority. We have been denied, now by one court, now by another, as in the bakeshop case, where the courts set aside the law limiting the hours of labor in bakeries—the “due process” clause again—as in the workmen’s compensation act, as in the tenement-house cigar factory case—in all these and many other cases we have been denied by small minorities, by a few worthy men of wrong political philosophy on the bench, the right to protect our people in their lives, their liberty, and their pursuit of happiness. As for “consistency”—why, the record of the courts, in such a case as the income tax, for instance, is so full of inconsistencies as to make the fear expressed of “inconsistency” on the part of the people seem childish.

Well-meaning, shortsighted persons have held up their hands in horror at my proposal to allow the people themselves to construe the Constitution which they themselves made. Yet this is precisely what the association of the bar of the city of New York proposed to do in the concurrent resolution which was introduced at their request into our legislature on January 16 last, proposing to amend the State constitution by a section reading as follows: “Nothing contained in this constitution shall be construed to limit the powers of the legislature to enact laws,” such as the workmen’s compensation act. In other words, the New York Bar Association is proposing to appeal to the people to construe the constitution in such a way as will directly reverse the court. They are proposing to appeal from the highest court of the State to the people. That is just what I propose to do; the difference is only one of method, not of purpose; my method will give better results, and will give them more quickly. The bar association by its action admits that the court was wrong, and sets to work to change the rule which it laid down. As Lincoln announced of the Dred Scott decision in his debates with Douglas: “Somebody has to reverse that decision, since it is made, and we mean to reverse it, and we mean to do it peaceably.” Was Lincoln wrong? Was the spirit of the Nation that wiped out slavery “the fitful impulse of a temporary majority”?

Remember, I am not discussing the recall of judges, although I wish it distinctly understood that the recall is a mere piece of machinery to take the place of the unworkable impeachment which Mr. Taft in effect defends, and that if the days of Maynard ever came

back again in the State of New York I should favor it. I have no wish to come to it; but our opponents, when they object to all efforts to secure real justice from the courts, are strengthening the hands of those who demand the recall. In a great many States there has been for many years a real recall of judges as regards appointments, promotions, reappointments, and reelections; and this recall was through the turn of a thumbscrew at the end of a long-distance rod in the hands of great interests. I believe that a just judge would feel far safer in the hands of the people than in the hands of those interests.

I stand on the Columbus speech. The principles there asserted are not new, but I believe that they are necessary to the maintenance of free democratic government. The part of my speech in which I advocated the right of the people to be the final arbiters of what is due process of law in the case of statutes enacted for the general welfare will ultimately, I am confident, be recognized as giving strength and support to the courts instead of being revolutionary and subversive. The courts to-day owe the country no greater or clearer duty than to keep their hands off such statutes when they have any reasonably permissible relation to the public good. In the past the courts have often failed to perform this duty, and their failure is the chief cause of whatever dissatisfaction there is with the working of our judicial system. One who seeks to prevent the irrevocable commission of such mistakes in the future may justly claim to be regarded as aiming to preserve and not to destroy the independence and power of the judiciary.

My remedy is not the result of a library study of constitutional law, but of actual and long-continued experience in the use of governmental power to redress social and industrial evils. Again and again earnest workers for social justice have said to me that the most serious obstacles that they have encountered during the many years that they have been trying to save American women and children from destruction in American industry have been the courts. That is the judgment of almost all the social workers I know and of dozens of parish priests and clergymen, and of every executive and legislator who has been seriously attempting to use government as an agency for social and industrial betterment. What is the result of this system of judicial nullification? It was accurately stated by the Court of Appeals of New York in the Employers' liability case, where it was calmly and judicially declared that the people under our Republican Government are less free to correct the evils that oppress them than are the people of the monarchies of Europe. To any man with vision, to any man with broad and real social sympathies, to any man who believes with all his heart in this great democratic Republic of ours, such a condition is intolerable. It is not government by the people, but mere sham government in which the will of the people is constantly defeated. It is out of this experience that my remedy has come; and let it be tried in this field.

When, as the result of years of education and debate, a majority of the people have decided upon a remedy for an evil from which they suffer, and have chosen a legislature and executive pledged to embody that remedy in law, and the law has been finally passed and approved, I regard it as monstrous that a bench of judges shall then say to the people: "You must begin all over again." First amend

your Constitution [which will take four years]; second, secure the passage of a new law [which will take two years more]; third, carry that new law over the weary course of litigation [which will take no human being knows how long]; fourth, submit the whole matter over again to the very same judges who have rendered the decision to which you object. Then, if your patience holds out and you finally prevail, the will of the majority of the people may have its way." Such a system is not popular government, but a mere mockery of popular government. It is a system framed to maintain and perpetuate social injustice, and it can be defended only by those who disbelieve in the people, who do not trust them, and, I am afraid I must add, who have no real and living sympathy with them as they struggle for better things. In lieu of it I propose a practice by which the will of a majority of the people, when they have determined upon a remedy, shall, if their will persists for a minimum period of two years, go straight forward until it becomes a ruling force of life. I expressly propose to provide that sufficient time be taken to make sure that the remedy expresses the will, the sober and well-thought-out judgment and not the whim of the people; but when that has been ascertained, I am not willing that the will of the people shall be frustrated. If this be not a wise remedy, let those who criticize it propose a wise remedy, and not confine themselves to railing at government by a majority of the American people as government by the mob. To propose, as an alternative remedy, slight modifications of impeachment proceedings is to propose no remedy at all—it is to bid us be content with chaff when we demand bread.

The decisions of which we complain are, as a rule, based upon the constitutional provision that no person shall be deprived of life, liberty, or property without due process of law. The terms "life, liberty, and property" have been used in the constitutions of the English speaking peoples since *Magna Charta*. Until within the last 60 years they were treated as having specific meanings: "property" meant tangible property; "liberty" meant freedom from personal restraint, or, in other words, from imprisonment in its largest definition. About 1870 our courts began to attach to these terms new meanings. Now "property" has come to mean every right of value which a person could enjoy and "liberty" has been made to include the right to make contracts. As a result, when the State limits the hours for which women may labor, it is told by the courts that this law deprives them of their "liberty"; and when it restricts the manufacture of tobacco in a tenement, it is told that the law deprives the landlord of his "property." Now, I do not believe that any people, and especially our free American people, will long consent that the term "liberty" shall be defined for them by a bench of judges. Every people has defined that term for itself in the course of its historic development.

Of course, it is plain enough to see that in a large way the political history of man may be grouped about these three terms, "life, liberty, and property." There is no act of government which can not be brought within their definition, and if the courts are to cease to treat them as words having a limited, specific meaning, then our whole Government is brought under the practically irresponsible supervision of judges. As against that kind of a government I insist that

the people have the right and can be trusted to govern themselves. This our opponents deny and the issue is sharply drawn between us.

If my critics would only show the same sober judgment of which they declare the people at large to be incapable, they would realize that my proposal is one of moderation and common sense. I wish to quote the remarks of William Draper Lewis, dean of the Law School of the University of Pennsylvania:

To a lawyer the most interesting suggestion Col. Roosevelt has made is to allow the people, after consideration, to reenact legislation which a court decision has declared is contrary to some clause in the existing State constitution.

Anyone who has been asked to draft specific amendments to State constitutions will hesitate to condemn, without serious consideration, the suggestion made by Col. Roosevelt. To take a concrete instance: The New York Court of Appeals declared the workmen's compensation act passed by the New York Legislature unconstitutional, as depriving in its operation the employer of his property without due process of law. A number of amendments to the New York constitution, designed to validate a compensation act, have been drafted, and it is not unlikely that one of them will be adopted. Personally, one or more of these amendments having been shown to me, I can not but feel that constitutional amendments designed to meet particular cases run the danger of being so worded as to produce far-reaching results not anticipated or desired by the people. Col. Roosevelt's suggestion avoids this difficulty and danger. If a persistent majority of the people of New York State want a workmen's compensation act, they should have it. But in order to obtain it they should not be driven to pass an amendment to their State constitution which may have effects which they do not anticipate or desire. Let them pass on the act, as passed by the legislature, after a full knowledge that their highest court has unanimously expressed its opinion that the act is contrary to the constitution which the people at a prior election have declared to be their fundamental law.

I may not always approve of what the persistent majority wants. I might sometimes think the measure unwise. But that doesn't alter the right of that majority to enforce its will in government. The Roosevelt idea, it seems to me, supplies an instrument by which that majority can enforce its will in the most conservative way. It makes explosions unnecessary.

I would have been very proud to have been the author of that plan, although I want to emphasize the fact that it involves no new principle, only a new method.

I don't mind saying, however, that I think it unfortunate that it should have been proposed by Col. Roosevelt. He is a man of such marked characteristics and his place in the political world is such that he arouses intense enthusiasm on the one hand and intense animosity on the other. Because of this the great idea which he has propounded is bound to be beclouded and its adoption to be delayed. It is a pity that anything so important should be confounded with any man's personality.

As regards the dean's last paragraph, I can only say that I wish somebody else whose suggestions would arouse less antagonism had proposed it; but nobody else did propose it, and so I had to. I am not leading this fight as a matter of æsthetic pleasure. I am leading because somebody must lead or else the fight would not be made at all.

I prefer to work with moderate, with rational, conservatives, provided only that they do in good faith strive forward toward the light. But when they halt and turn their backs to the light and sit with the scorners on the seats of reaction, then I must part company with them. We, the people, can not turn back. Our aim must be steady, wise progress. It would be well if our people would study the history of a sister republic. All the woes of France for a century and a quarter have been due to the folly of her people in splitting into the two camps of unreasonable conservatism and unreasonable radicalism. Had pre-Revolutionary France listened to men like Turgot

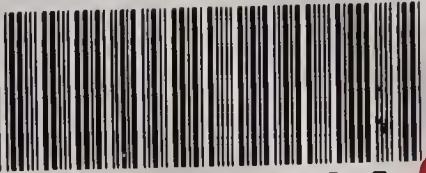
and backed them up all would have gone well. But the beneficiaries of privilege, the Bourbon reactionaries, the shortsighted ultraconservatives, turned down Turgot; and then found that instead of him they had obtained Robespierre. They gained 20 years' freedom from all restraint and reform at the cost of the whirlwind of the red terror; and in their turn the unbridled extremists of the terror induced a blind reaction; and so, with convulsion and oscillation from one extreme to another, with alternations of violent radicalism and violent Bourbonism, the French people went through misery toward a shattered goal. May we profit by the experiences of our brother republicans across the water and go forward steadily, avoiding all wild extremes; and may our ultraconservatives remember that the rule of the Bourbons brought on the Revolution, and may our would-be revolutionaries remember that no Bourbon was ever such a dangerous enemy of the people and of freedom as the professed friend of both, Robespierre. There is no danger of a revolution in this country; but there is grave discontent and unrest, and in order to remove them there is need of all the wisdom and probity and deep-seated faith in and purpose to uplift humanity we have at our command.

Friends, our task as Americans is to strive for social and industrial justice, achieved through the genuine rule of the people. This is our end, our purpose. The methods for achieving the end are merely expedients, to be finally accepted or rejected according as actual experience shows that they work well or ill. But in our hearts we must have this lofty purpose, and we must strive for it in all earnestness and sincerity, or our work will come to nothing. In order to succeed we need leaders of inspired idealism, leaders to whom are granted great visions, who dream greatly and strive to make their dreams come true; who can kindle the people with the fire from their own burning souls. The leader for the time being, whoever he may be, is but an instrument, to be used until broken and then to be cast aside; and if he is worth his salt he will care no more when he is broken than a soldier cares when he is sent where his life is forfeit in order that the victory may be won. In the long fight for righteousness the watchword for all of us is spend and be spent. It is of little matter whether any one man fails or succeeds; but the cause shall not fail, for it is the cause of mankind. —We, here in America, hold in our hands the hope of the world, the fate of the coming years; and shame and disgrace will be ours if in our eyes the light of high resolve is dimmed, if we trail in the dust the golden hopes of men. If on this new continent we merely build another country of great but unjustly divided material prosperity, we shall have done nothing; and we shall do as little if we merely set the greed of envy against the greed of arrogance, and thereby destroy the material well-being of all of us. To turn this Government either into government by a plutocracy or government by a mob would be to repeat on a larger scale the lamentable failures of the world that is dead. We stand against all tyranny, by the few or by the many. We stand for the rule of the many in the interest of all of us, for the rule of the many in a spirit of courage, of common sense, of high purpose, above all in a spirit of kindly justice toward every man and every woman. We not merely admit, but insist, that there must be self-control on the part of the people, that they must keenly perceive their own duties as well as the rights

of others; but we also insist that the people can do nothing unless they not merely have, but exercise to the full, their own rights. The worth of our great experiment depends upon its being in good faith an experiment—the first that has ever been tried—in true democracy on the scale of a continent, on a scale as vast as that of the mightiest empires of the old world. Surely this is a noble ideal, an ideal for which it is worth while to strive, an ideal for which at need it is worth while to sacrifice much; for our ideal is the rule of all the people in a spirit of friendliness brotherhood toward each and every one of the people.



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